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December 17, 2021

VIA ECF

Honorable Stewart D. Aaron
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Request GRANTED. SO ORDERED.
Dated: 12/18/2021

Re: *Najhim Luke v. C.O. Khalid*,
21-CV-05137 (RA) (SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, assigned to represent defendant CO Aamir Khalid in the above-referenced matter. I write to respectfully request that the Court enlarge the time for defendant to serve responses to Plaintiff's Interrogatories and Request for Production of Documents pursuant to Local Civil Rule 33.2 (hereinafter "33.2 responses"), from December 17, 2021, until January 21, 2022.

This is the second request for an extension of this deadline. The Court granted the first request. (Docket Entry No. 16) Plaintiff is incarcerated and proceeding *pro se*. On December 10 and 14, 2021, I called the DOC facility where plaintiff is housed in an attempt to schedule a phone call with plaintiff to ask if he consents to the extension requested herein. However, on December 16, 2021 the DOC facility where plaintiff is housed advised me that plaintiff refused twice to be escorted to the counseling area so that he could participate in a phone call. Therefore, I was unable to obtain plaintiff's response to a request for consent.

This request is necessary because this Office has only recently been able to determine that it will represent CO Khalid, and therefore requires additional time to obtain information and documents that will comprise defendants' 33.2 responses. Accordingly, defendant respectfully requests that the Court enlarge his time to serve 33.2 responses until January 21, 2022.

We thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey Frank', is written over a horizontal line.

Jeffrey F. Frank
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**
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